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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,924	03/31/2004	David Benjamin Auerbach	24207-10118	6346
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,924

Applicant(s)

AUERBACH ET AL.

Examiner

Alicia M. Lewis

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2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-18 and 20-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-18 and 20-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 11/7/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to communication filed August 13, 2008. Claims 2, 18 and 20 are currently amended; claim 43 has been added. Therefore, claims 2-18 and 20-43 are pending in this application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 10, 12-15, 17, 18, 20, 28 30-33, 35, 36 and 38-43 rejected under 35 U.S.C. 103(a) as being unpatentable over Belfiore et al. (US Patent 6,009,459) ('Belfiore') in view of Mikheev (US Patent Application Publication 2002/0055919 A1), and further in view of Tafuya et al. (US 2005/0131888 A1, *priority date 4/24/2000*) ('Tafuya').

With respect to claims 2 and 20, Belfiore teaches:

receiving a term in an input field (step 60 in Figure 4, column 5 lines 13-14);

generating a user-context-dependent query (column 5 line 66 – column 6 line 1) based at least in part on a user context and the term, the search query for searching an article index for a first article identifier identifying a first article associated with the term (column 5 lines 14-17, 40-43, 60-67, column 6 lines 1, 30-55);

receiving the first article identifier (column 5 lines 47-48, column 6 lines 53-58);
and

displaying in a transient menu associated with the input field the first article identifier and at least one hyperlinked menu item (Figure 13B, column 8 lines 1-20).

Belfiore does not teach the at least one hyperlinked menu item included within the first article.

Mikheev teaches a method and system for gathering, organizing, and displaying information from data searches (see abstract), in which he teaches displaying search results, including a first article identifier and at least one hyperlinked menu item included within the first article (Figure 4).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Belfiore by the teaching of Mikheev because at least one hyperlinked menu item included within the first article would enable a complete listing of all search results, even those results having the same domain. The combination would further enable the presentation of search results in an organized, logical fashion that allows the user to focus on files in which the user is most interested (Mikheev, paragraph 6).

Further regarding claims 2 and 20, Belfiore in view of Mikheev does not teach wherein the transient menu appears responsive to the received term being of a first type and disappears responsive to the received term being of a second type, the appearing and the disappearing occurring in response to the term being received.

Tafoya teaches a system and method for automatically populating a dynamic resolution list (see abstract), in which he teaches wherein the transient menu appears responsive to the received term being of a first type and disappears responsive to the received term being of a second type, the appearing and the disappearing occurring in response to the term being received (Figure 6, paragraphs 82-83 and 86) (*Tafoya teaches that a pop-up menu appears and disappears responsive to user input of characters. More specifically, he teaches that in response to input of characters representing recently used addresses, a pop-up menu appears, the pop-up menu having entries that start with the same string that the user has typed. He further teaches that the pop-up menu is dynamically updated as characters are entered and deleted. Therefore, it is clear that when a user enters a term (character string) that is not in the list of most recently used, the pop-up menu will disappear, as there will be no matching entries. Thus, Tafoya teaches that the menu appears responsive to the received term being of a first type (an address included in the most recently used list) and disappears responsive to the received term being of a second type (an address not included in the most recently used list).*)

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Belfiore by the teaching of Tafoya because wherein the transient menu appears responsive to the received term being of a first type and disappears responsive to the received term being of a second type, the appearing and the disappearing occurring in response to the term being received would enable a user's input to be automatically completed or a display of a list of matches

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responsive to the user's input, thus causing the user to have to type less characters (Tafoya, abstract).

With respect to claims 10 and 28, Belfiore as modified teaches wherein the transient menu comprises a pop-up menu near the input field (Tafoya, Figure 6, paragraph 83).

With respect to claims 12 and 30, Belfiore as modified teaches wherein the input field comprises an address bar (Belfiore, element 84 in Figure 5, column 5 lines 11-13).

With respect to claims 13 and 31, Belfiore as modified teaches wherein the input field comprises a query-input field (Belfiore, element 84 in Figure 5, column 5 lines 11-13, column 4 lines 30-35).

Belfiore teaches that the address box may be used to enter either URLs or search terms.

With respect to claims 14 and 32, Belfiore as modified teaches wherein the input field comprises an article-integrated input field (Belfiore, element 84 in Figure 5, column 5 lines 11-13).

In paragraph 59 of the specification, applicant discloses that an article-integrated field may be a text box, and Belfiore teaches that his address box is a text box.

With respect to claims 15 and 33, Belfiore as modified teaches wherein the first article comprises a web page (Belfiore, column 4 lines 3-7).

With respect to claims 17 and 35, Belfiore as modified teaches further comprising searching a second article index for a second article identifier identifying a second article associated with the term (Mikheev, Figure 1, paragraph 2); and

displaying the second article identifier in the transient menu (Belfiore, column 8 lines 1-11; Mikheev, Figure 4).

Belfiore teaches that more than one search result (or article identifier) may be returned in the menu.

With respect to claim 18, Belfiore as modified teaches:

receiving a term in a network browser address bar (Belfiore, step 60 in Figure 4, column 5 lines 13-14);

generating a user-context dependent search query based at least in part on a user context and the term, the search query for searching an article index for a first URL identifying a first web page associated with the term (Belfiore, column 5 lines 14-17, 40-43, 60-67, column 6 lines 1, 30-55);

receiving the first URL (Belfiore, column 6 lines 55-57); and

displaying in a transient menu near the network browser address bar the first URL and at least one hyperlinked menu item included within the first web page (Belfiore, Figures 11B and 13B, column 8 lines 1-11; Mikheev, Figure 4), wherein the transient menu appears responsive to the received term being of a first type and

disappears responsive to the received term being of a second type, the appearing and the disappearing occurring in response to the term being received (Figure 6, paragraphs 82-83 and 86).

Tafoya teaches that a pop-up menu appears and disappears responsive to user input of characters. More specifically, he teaches that in response to input of characters representing recently used addresses, a pop-up menu appears, the pop-up menu having entries that start with the same string that the user has typed. He further teaches that the pop-up menu is dynamically updated as characters are entered and deleted. Therefore, it is clear that when a user enters a term (character string) that is not in the list of most recently used, the pop-up menu will disappear, as there will be no matching entries. Thus, Tafoya teaches that the menu appears responsive to the received term being of a first type (an address included in the most recently used list) and disappears responsive to the received term being of a second type (an address not included in the most recently used list).

With respect to claim 36, Belfiore as modified teaches wherein the additional article comprises a web page (Belfiore, Figure 13B; Mikheev, Figure 4).

With respect to claim 38, Belfiore as modified teaches:
receiving a select indication for the first URL (Belfiore, column 8 lines 20-22); and
displaying the first web page associated with the first URL (Belfiore, column 8 lines 22-27).

With respect to claim 39, Belfiore as modified teaches:

receiving a select indication for the additional URL (Belfiore, column 8 lines 20-22); and

displaying the first web page associated with the additional URL (Belfiore, column 8 lines 22-27).

With respect to claims 40-42, Belfiore as modified teaches further comprising:

searching the article index for an additional article identifier identifying an additional article associated with the term (column 5 lines 14-17, 40-43, 60-67, column 6 lines 1, 30-55); and

displaying in the transient menu the additional article identifier (Figure 13B, column 8 lines 1-20).

With respect to claim 43, Belfiore as modified teaches wherein the received term is of the first type responsive to having characters that do not denote a uniform resource locator (URL) (Tafoya, paragraph 82), and is of the second type responsive to having characters that denote a URL (Tafoya, paragraph 82; Belfiore, column 5 lines 13-37) *(Belfiore teaches the input text is processed to determine wherein the text represent a URL; thus text representing a URL is of the second type and text not denoting a URL is of the first type. Furthermore, Tafoya teaches that the pop-up menu of items includes items that occur in the list of most recently used (MRU) email addresses. Since the MRU list includes email address, the items on the MRU list do not denote URLs. This also implies that if any other type of characters are entered (i.e. characters denoting a*

URL), the pop-up menu will disappear because the characters entered would not represent email addresses and thus they would not be on the MRU list).

3. Claims 3-8 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belfiore et al. (US Patent 6,009,459) ('Belfiore') in view of Mikheev (US Patent Application Publication 2002/0055919 A1) and Tafoya et al. (US 2005/0131888 A1, priority date 4/24/2000) ('Tafoya'), as applied to claims 2, 10, 12-15, 17, 18, 20, 28 30-33, 35, 36 and 38-43 above, and further in view of Konig et al. (US Patent 6,981,040) ('Konig').

With respect to claims 3 and 21, Belfiore as modified teaches claims 2 and 20.

Belfiore as modified does not teach wherein the user context is based, at least in part, on a user action history comprising a plurality of user actions.

Konig teaches automatic, personalized online information and product services (see abstract), in which he teaches wherein the user context is based, at least in part, on a user action history comprising a plurality of user actions (column 17 lines 13-40).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Belfiore by the teaches of Konig because wherein the user context is based, at least in part, on a user action history comprising a plurality of user actions would enable transparent monitoring of user interactions to create a user model, which in turn could be used to provide a user with personalized information services, such as ranking of search results based on user interests (Konig, column 4 lines 22-34).

With respect to claims 4 and 22, Belfiore as modified teaches wherein each of said user actions comprises a date/time parameter (Konig, Figures 4A-4D).

With respect to claims 5 and 23, Belfiore as modified teaches wherein displaying the first article identifier comprises displaying the first article identifier in accordance with a user preference (Konig, column 17 lines 41-47, column 27 lines 42-48).

With respect to claims 6 and 24, Belfiore as modified teaches further comprising receiving the user preference (Konig, column 17 lines 41-47).

With respect to claims 7 and 25, Belfiore as modified teaches further comprising determining the user preference based, at least in part, on a user action history comprising a plurality of user actions (Konig, column 17 lines 13-40).

With respect to claims 8 and 26, Belfiore as modified teaches further comprising determining the user preference based, at least in part, on a system analysis (Konig, column 5 lines 50-52).

4. Claims 9, 11, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belfiore et al. (US Patent 6,009,459) ('Belfiore') in view of Mikheev (US Patent Application Publication 2002/0055919 A1) and Tafoya et al. (US 2005/0131888 A1, *priority date 4/24/2000*) ('Tafoya'), as applied to claims 2, 10, 12-15,

17, 18, 20, 28 30-33, 35, 36 and 38-43 above, and further in view of Sommerer et al. (US Patent Application Publication 2004/0003351 A1) ('Sommerer').

With respect to claims 9 and 27, Belfiore as modified teaches a transient menu near the input field (Belfiore, Figure 13B, column 8 lines 1-11).

Belfiore as modified does not explicitly disclose that the menu is a drop-down menu.

Sommerer teaches navigating a resource browser session (see abstract) in which he teaches a drop-down menu near an input field (Figure 3, paragraph 57).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified further Belfiore by the teaching of Sommerer because a drop-down menu near an input field would enable a browser session navigation tool that allows users to browse previously viewed resource pages, and more specifically allow users to search the record of their browsing experience during the browsing session (Sommerer, abstract); thus providing more search capabilities to Belfiore's invention.

With respect to claims 11 and 29, Belfiore as modified teaches wherein the transient menu comprises a slide-out menu near the input field (Sommerer, paragraph 29).

5. Claims 16, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belfiore et al. (US Patent 6,009,459) ('Belfiore') in view of Mikheev (US Patent

Application Publication 2002/0055919 A1) and Tafoya et al. (US 2005/0131888 A1, *priority date 4/24/2000*) ('Tafoya'), as applied to claims 2, 10, 12-15, 17, 18, 20, 28 30-33, 35, 36 and 38-43 above, and further in view of Dumais et al. (US Patent Application Publication 2004/0267730 A1) ('Dumais').

With respect to claims 16 and 34, Belfiore as modified teaches claims 2 and 20.

Belfiore as modified does not teach wherein the first article comprises an article stored on a client device.

Dumais teaches systems and methods for performing background queries from content and activity (see abstract), in which he teaches wherein the first article comprises an article stored on a client device (paragraph 34).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Belfiore by the teaching of Dumais because wherein the article comprises an article stored on a client device would enable the creation of a content index of accessed data items, comprising information from local data locations as well as web information. This context index, in turn, could be used in the generation of queries to find useful information.

With respect to claim 37, Belfiore as modified teaches wherein the additional article comprises an article stored in a client device (Dumais, paragraph 34).

Response to Arguments

6. Applicant's arguments with respect to claims 2-18 and 20-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. M. L./
Examiner, Art Unit 2164
November 7, 2008

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164